(1)

P.R. No. 105/06
Presented by Shri Manish K. Bhoy
Dated 16.11.06

(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. No. 47 /2006 **Single Bench**

APPLICANT (TENANT) — Narendra Sharma, S/o.Shiv Bhagvan Sharma, Aged about 39 years, R/o.Kailash Nagar, Rajnandgaon, District Rajnandgaon (C.G.)

VERSUS

NON-APPLICANT (LANDLADY) — Smt. Hansagouri, W/o.Late Shri Gunwant Rai Jani, Through Power of Attorney, Shri Mahesh Kumar, R/o. Kamthi Line, Rajnandgaon, District Rajnandgaon (C.G.)

RECALLING OF ORDER DATED 13/5/05/ REVIEW APPLICATION UNDER SECTION 114 READ WITH ORDER 47 RULE 1 OF CIVIL PROCEDURE CODE AGAINST THE ORDER DATED 13/5/05 PASSED IN CIVIL REVISION NO. 30/2005 BETWEEN THE ABOVE PARTIES

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक M.C.C. No. 47/2006 सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

25.04.2006

Shri Anand Kumar Tiwari, learned counsel for the applicant.

Heard.

The applicant has filed this application under Section 114 read with Order 47 rule 1 of the CPC and has prayed for recall of the order dated 13.05.2005 passed in Civil Revision No. 30/2005 and by which the revision preferred by the applicant was dismissed with costs.

Learned counsel for the applicant has filed this review petition with a delay of six months with an application M.C.P. No. 121/06 for condonation of delay. It is contended by the counsel for the applicant that the application for review is based on legal submission as at the time of argument a judgment in the matter of ***Satish Kumar Tiwari Vs. Surindar Kaur reported in 2000 (II) MPACJ 324*** could not be cited wherein it is held that while exercising power in eviction proceedings, the Rent Controlling Authority is to apply his mind judiciously in accordance with Section 23 –D of the Act, before passing the order of eviction.

I have heard Shri Anand Kumar Tiwari, learned counsel for the applicant.

I have perused the order dated 13.05.2005 passed by this Court. From the perusal of the order passed by this Court, it is evident that the order of eviction passed by the Tribunal has not been confirmed simply taking aid of Section 23-D of the Act but after considering the other attending circumstances. In view of the above, I am of the opinion that the appellant has not been able to make out the case for the purpose of review within the parameters of Section 114 of the CPC. Accordingly the application is rejected.

Sd/-
Dhirendra Mishra
Judge

28/4/06